

June 6, 2013

Lois Morin
Administrator
Hamilton Police Services Board
155 King William Street Box 1060,
LCD1 Hamilton, Ontario,
Canada
L8N 4C1

Dear Ms. Morin:

On behalf of the Hamilton 350 Committee, and, in accordance with Section V of the Police Services Act of Ontario, we are submitting a complaint about a policy of the Hamilton Police Services Board (HPSB). The policy which we are addressing is the acceptance by your board of gifts from private individuals and/or corporations. Specifically, we wish to register an objection to the acceptance by the HPSB of a donation of \$34,910.00 from Enbridge Inc.

According to page 2 of your public minutes (of March 19, 2013) of the Board meeting of March 18, 2013, Ken Hall, senior advisor of Enbridge, donated a cheque in the amount above to Nancy DiGregorio, Board Chair, Glenn DeCaire, Police Chief, and Staff Sergeant David Hennick for the purchase of two all-terrain vehicles and related safety equipment.

While we don't dispute the advisability of the HPS having such equipment at its disposal, we do object to the Board accepting the money to purchase it from Enbridge Inc. As you are no doubt aware, Enbridge is engaged in a controversial energy project, the Line 9 Reversal, which puts Ontarians at risk for spills. Along with a reversal, Enbridge will increase the rate of flow by 60,000 barrels per day on an aging 38 year old pipeline by adding toxic chemicals and increasing pipeline pressure. As well, Enbridge has a history of spills – 800 in the last decade including the largest and costliest on land oil spill in US history. The oil product will likely change to include diluted bitumen, facilitating the growth of the Alberta Tar Sands – Canada's fastest growing source of greenhouse gas pollution – and, alongside it, dangerous climate change.

There is a fundamental issue of principle involved in your decision to accept a gift of money from this corporation. That issue is, principally, favoritism. If there were a standoff between, on the one side, protestors and/or native people (who claim the land at which the Grand River is crossed by this pipeline) and, on the other side, Enbridge Inc., would officers of the HPS be able to be truly neutral and impartial? Or would they lean to supporting the private interests of Enbridge Inc., due to the \$35,000 gift? In the eyes of the taxpayers who pay for the HPS operation to the tune of \$139,000,000 a year, it seems to us that there would be the suspicion that it was not the public who was being served, but rather the huge corporation. And it would be especially difficult for the officers assigned to the proposed new ATV unit to remain

impartial while they are using the equipment provided by Enbridge Inc.

A further question: is it possible that, in accepting the gift of all-terrain vehicles from Enbridge Inc., the Hamilton Police Service Board tacitly agreed to use these vehicles to patrol the very pipelines owned and operated by Enbridge Inc.? If there is no such implicit or explicit agreement, would you please make a public declaration to that effect?

Justice is supposed to be blind and the police are supposed to treat everyone fairly and equally. It is difficult, then, to understand how accepting donations from private individuals and corporations could not contribute to undermining the principle of fairness and equality before the law. In particular, we wish to draw the attention of the HPSB to the wording of the Police Services Act of Ontario. Under Section 1.2 of the Police Services Act of Ontario (Section 2), one of the duties of a police service is to uphold the Canadian Charter of Rights and Freedoms. Article 15 (1) of the Charter reads:

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

We suggest that the acceptance of donations from private individuals and corporations undermines the ability of a police service to deliver policing that provides equal protection and equal benefit to all. In fact, the giving of such donations by private individuals and corporations, we would argue, is to curry favour with police and to seek special consideration from police in protecting private property that ordinary citizens cannot afford to buy individually. The whole concept of private donations flies in the face of the principle of equality before the law and the practice of public subscription (i.e. taxes) to pay for policing.

We would also like to point out that Enbridge's gift of \$35,000 to your board is not the first or only case of your inappropriate acceptance of private donations from that company. In 2010, you also accepted \$9,500 for mapping and GPS equipment from Enbridge Inc., gifts which, like the all-terrain vehicles, indicate that Enbridge is calculating that the Hamilton Police Service might use to conduct patrols in remote and difficult-to-access areas along its controversial Line 9.

We also note that the private donations made by Enbridge Inc. to your police service are not the sole donations by that corporation to police services and municipalities all along the path of Line 9 across Southern Ontario and Quebec. In fact, Enbridge has also gifted the municipalities of Ganonoque, Napanee, Belleville, and many others. We find there is an apparent pattern of influence-peddling by Enbridge Inc. with many of the municipalities along Line 9. This pattern is worrisome for two reasons: first, because it indicates that the corporation is quietly trying to curry favour with these municipalities to offset the loud and growing opposition to Enbridge's proposal to reverse the flow of Line 9 with Tar Sands dilbit;

and, secondly, because the corporation's private donations to public bodies such as police services and municipal emergency service departments is a violation, in our view, of the guarantee in the Canadian Charter of Rights and Freedoms of equality before the law. In other words, the donation from Enbridge Pipelines Inc. puts your police officers in a position of conflict of interest vis-a-vis the public.

In conclusion, we are complaining about the implications of your acceptance of a private donation on the principle of equality before the law, a fundamental premise of the Canadian judicial system. Our suggested remedial action is that you return the \$34,910.00 to Enbridge Inc. and refuse all private donations in the future.

Yours truly,

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and

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on behalf of the Hamilton 350 Committee
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